

“An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a). In making that determination, the court uses an objective standard, such as whether the appeal is “frivolous,” *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or “has no

substantive merit,” *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 1981).¹

Applying this standard, the court is of the opinion, for the reasons stated in the Recommendation of the Magistrate Judge (Doc. # 27) and the Order adopting the Recommendation (Doc. # 28), that Plaintiff’s appeal is without a legal or factual basis and accordingly is frivolous for purposes of Plaintiff’s motion. *See Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982).

Accordingly, it is ORDERED that Plaintiff’s motion for leave to proceed on appeal *in forma pauperis* (Doc. # 30) is DENIED.

DONE this 2nd day of February, 2021.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE

¹ In *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.